

Before the  
**FEDERAL COMMUNICATION COMMISSION**  
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION

In the Matter of )  
)  
Implementation of Sections of the ) MM Docket No. 92-266  
Cable Television Consumer Protection )  
and Competition Act of 1992; ) CS Docket No. 96-60  
Rate Regulation )  
)  
Leased Commercial Access )

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To: The Commission - *Mail Stop 1170*

**COMMENTS OF VERNON WATSON WBOP TV-12 (WBQP-LP)**

1. These Comments are filed by Vernon Watson, WBOP TV-12 (WBQP-LP), Pensacola, Florida in response to the Commission's "Further Notice of Proposed Rulemaking" in this proceeding, FCC 96-122, released March 19, 1996. We are the operator of low power television station WBQP-LP PENSACOLA, FLORIDA.

2. I am one of the few African American low power TV (LPTV) operators in this country trying to make a difference by providing a television broadcast avenue to the local black community. LPTV is the ideal vehicle for minorities and "working class" people to enter into television broadcasting and ownership. Ownership of a television venture has been historically closed to us. Due to the lack of "must carry" requirements and "unreasonable leased access rates" this opportunity still remains virtually closed to us (minorities and small businesses). The television broadcasting business is still a privilege that only "the elite" enjoys, benefits, and profits from, while yet not fulfilling the spirit and intent of the 1933 Communication Act. That is to say, to provide local programming for the community it serves.

3. Over the past four years as a minority LPTV owner/operator, my personal experience has been very trying. I have found it impossible generate enough revenues stay in business without being carried on a cable system. Because of limited signal, no rights as a "must carry", and excessive "leased access" rates, LPTV operators have little chance for success. After investing my life's saving and my kids future into a LPTV business venture that was created by the federal government, I am very disappointed to learn that it had little chance to survive because there is no governmental protection for LPTVs operators like that is afforded to big businesses such as fullpower TV stations and cable companies. I often wondered why did the FCC create a much needed service like LPTV and not create rules or incentives to protect it existence. Worst yet, the federal government left our only method of survival in the hands of big private businesses (the cable companies) which only see us as competition and would rather see LPTVs out of business to eliminate any possible competition. To make it more outrageous, the cable subscribers are already paying cable companies for a service that lease access customers are paying again. The government should not allow the cable companies to be paid double for the same service.

4. If I sound angry, it is because I am angry! I am outraged that I am forced spend more than a \$100,000 a year just for the privilege to run my small business to

**"serve the public interest", while big businesses (full power TV stations ) get the same privilege free. As a minority, if no relief is provided by the government, these types of barriers will continue and will never completely open the doors of opportunity to minority television station ownership. As it stands now, it serves as a means to discourage minority television ownership. I think minority ownership of TV stations is important in that it will create positive actions and allow diversity of view points in TV broadcasting. It also create positive role models, more jobs, etc., only if it is allowed to properly develop.**

**Cable access is absolutely necessary to the growth and development of all television stations both full and low power. As an African American, I have experienced particularly special problems in accessing cable once I was identified as a "minority owner" or a "minority TV station". For the most part, I am perceived by cable companies and some prospective clients only to generate business or create interest that is specifically catering to the black community. This perception limits my ability to interest cable companies to put me on their system or to generate enough revenues to pay high lease payment to cable operators. My personal experience has convinced me that minority LPTV operators and leasee need help or special considerations to offset the barriers that are not so common to none minorities.**

5. As of this writing, I still have cable companies in my area after almost four years of writing and calling about possible cable carriage or leased access still refuse to return my telephone calls, answer my letters, and refuse my visits. The only cable company to enter into a lease agreement with me was pressured by the local franchise authority and community leaders. Even that cable operator initially wanted to charge me a rate of \$46,000 month or \$552,000 per year. With much pressure, we were able to get it down to approximately \$100,000 a year. Which is still much too much for a small minority business, which market is limited to a segment of the community.

### **RECOMMENDATIONS**

1. Minorities LPTVs should be given special considerations in leased access. Minorities should be charged the minimum leased access rate available and given first priority on available channels because of our conspicuous absent on cable systems and because we are the ones that are the most economically impacted. Because we provide minority programming to the minority community most of us will be limited in generating revenues because of this reason. However, minority programming does creates a diversity in cable programming.

2. Any LPTV that provides a predetermined amount of "local programming" should be allowed pay the absolute minimum rate for cable lease. The rate should not be more than .05 per subs to lease a channel.

**3. LPTVs should be given priority above all other leased access seekers because: (1) LPTVs will not be successful without cable carriage. Cable reach in the 90's is an absolute requirement to be successfully in selling advertising, and (2) LPTVs are licensed by the FCC to serve the public interest and to provide local programming. None LPTV leased access seekers can make that claim.**

**4. Since subscribers are already paying the cable company, a maximum "flat rate" fee should be given serious consideration to help avoid inconsistency in rates from different cable operators or provide loop holes to avoid compliance.**

**5. Prohibit cable companies from using any artificial requirements such as: security bonds, unnecessary media insurance's, and maximum rates, etc. These are methods employed currently by cable operators to discourage lease access. Most leased access agreements are written by cable companies and they have built-in protection from any such requirements mention above. To further require additional requirements is designed to discourage lease access.**

**6. Prohibit cable companies from using unfair tactics such as attempting to charge the same amount for part time lease as for full time lease to discourage part time leasing.**

7. If new rules are passed, they should be put into effect immediately. All existing leases should be adjusted and credited for the term of the lease.

8. Channel position should be guaranteed upon renewal of the lease, unless otherwise mutual agreed to.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Vernon Watson", written over a horizontal line.

Vernon Watson  
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May 8, 1996